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OFFICE OF PETITIONS

In re Application of
Joseph L. DiCesare et al.
Application No. 09/645,977
Filed: March 29, 2001
Attorney Docket No. 03141-P0349A

DECISION GRANTING PETITION

This is a decision on the petition filed February 6, 2002, requesting that a patent application of Joseph L. DiCesare et al. (attorney docket No. 03141-P0349A) be accorded a filing date of March 29, 2001, as a nonprovisional application under 37 CFR 1.53(b).

Petitioner alleges that the original application papers were deposited in Express Mail service in accordance with the procedures set forth in 37 CFR 1.10 and that the application is entitled to the date of deposit in Express Mail service as the filing date. In support, petitioners have supplied a copy of the original application papers showing the Express Mail label No. EL 574209483US thereon. The petition is accompanied by a copy of Express Mail receipt No. EL 574209483US (the same Express Mail number found on the original application papers). However, the legibility of the copy of Express Mail receipt No. EL 574209483US is such that the USPS "date-in" entry cannot be positively identified.

A review of USPS records conducted at the U.S. Patent and Trademark Office prior to this decision using "USPTO's USPS Express Mail Information Database" reveals that the date and time the package identified by Express Mail receipt No. EL 574209483US was accepted by the USPS was March 29, 2001 at 6:21 p.m. A copy of a printout of the relevant USPS records is being provided with this decision.

Based on the evidence above, the petition to accord the nonprovisional application a filing date of March 29, 2001 is granted. No petition fee is due, and none has been charged.

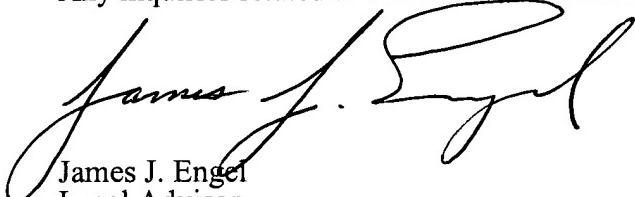
The original application papers for the 03141-P0349A application cannot be located. The petition and the duplicate papers received February 6, 2002, have been placed in a new nonprovisional application file wrapper, and assigned application No. 09/645977.

Applicants should notify this office if the original application papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

The \$ 710.00 nonprovisional application filing fee will be charged to applicant's deposit account No. 19-4516 after mailing of this decision.

The nonprovisional application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 29, 2001, using the copy of the application papers supplied February 6, 2002.

Any inquiries related to this decision should be directed to Darnell M. Jayne at (703) 305-3310.



James J. Engel
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

dmj

Attachment: Printout from "USPTO's USPS Express Mail Information Database"